THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9525 OF 1997

DATED: 24-01-2007

Between:

Smt Boda Rukma

.. Petitioner

and

The General Manager, Singareni Colleries Company Limited, Mandamarri Division, Kalyankhani Post, Mandamarri Mandal, Adilabad District.

.. Respondent

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9525 OF 1997

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondent in not providing employment to the petitioner under Dependant Employment Scheme since her husband died in harness, as arbitrary and illegal; and consequently to direct the respondent to provide employment to the petitioner under Dependant Employment Scheme.

It appears, the husband of the petitioner was appointed as a Badili Coal Filler in the respondent-Company in the year 1982. While in service, unfortunately, he died on 17-09-1994 due to illness. The petitioner filed a representation dated 21-03-1995 seeking compassionate appointment for her as per the scheme available in the Company. But, the respondent rejected the claim of the petitioner, by letter dated 29-05-1995, stating that the death of the husband of the petitioner as certified by the M.R.O., Kasipet, vide his proceedings dated 19-11-1994, cannot be treated as death while in service. That does not mean that he died while he was actively attending to his duties. It is not the case of the respondent that the dependants of the persons died while in service, are not entitled for compassionate appointment. The interpretation sought to be made by the respondent is absurd. Died while in service does not mean while physically in the active service of the Company. I am of the opinion that the impugned order passed by the respondent

is arbitrary and illegal.

In the result, the writ petition is allowed and the impugned order is set aside. The respondent is directed to re-consider the case of the petitioner as per the scheme available in the Company for providing employment on compassionate grounds to the petitioner, if she is otherwise eligible as per law, and pass appropriate orders within a period of two months from the date of receipt of a copy of this Order and communicate the same to the petitioner. No costs.

C.V. RAMULU, J

24th January 2007.
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